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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,700	12/07/2001	Hong-Sik Jeong	5649-905	5150
20792	7590	05/16/2005		EXAMINER LUU, CHUONG A
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			ART UNIT 2818	PAPER NUMBER

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/008,700	JEONG ET AL. <i>(initials)</i>	
	Examiner Chuong A. Luu	Art Unit 2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 18 January 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 6-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments with respect to claims 6-24 have been considered but are moot in view of the new ground(s) of rejection.

## PRIOR ART REJECTIONS

### **Statutory Basis**

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

### **The Rejections**

Claims 15, 17-19, 21 and 24 rejected under 35 U.S.C. 102(b) as being anticipated by Habu et al. (U.S. 6,078,073).

Habu discloses a gate electrode structure with.

(15) forming a pattern comprising a pair of mesa regions (2) on a substrate (100) (see Figure 7A);  
forming a first insulating layer (3) on the pair of mesa regions (2) (see Figure 7A);  
forming an etch stop layer (1) on the substrate (100) (see Figure 7A);  
forming a second insulating layer (4) on the pair of mesa regions (2) and the substrate (100) (see Figure 7A);

forming a capping layer (7) on the second insulating layer (4) (see Figure 7B);

patterning the capping layer (7) and the second insulating layer (4) (see Figure 7C);

forming insulating spacers (6') on sidewalls of the second insulating layer (4) such that the second insulating layer (4) is enclosed by the insulating spacers (6'), the capping

layer (7), the first insulating layer (3), and the substrate (100) (see Figure 7D);

**(17)** wherein forming the insulating spacers comprise: forming a third insulating layer on the capping layer, the sidewalls of the second insulating layer, and the etch stop layer; etching the third insulating layer so as to remove at least a portion of the third insulating layer from the second insulating layer and an upper surface of the capping layer, opposite the substrate (see Figure 6E);

**(18)** further comprising: removing at least a portion of the etch stop layer from a contact region between the pair of mesa regions (see Figure 7C);

**(19)** further comprising: applying a cleaning solution to the integrated circuit device so as to expose a contact region between the pair of mesa regions by removing at least a portion of a native oxide layer from the contact region (see Figure 15F);

**(21)** further comprising: forming a conductive layer on the pair of mesa regions and the substrate so as to fill a contact region between the pair of mesa regions and to cover the mesa regions; removing a portion of the conductive layer such that an upper surface of the first insulating layer, opposite the substrate, is exposed (see Figure 15F);

**(24)** wherein the capping layer may comprise at least one of silicon oxide, silicon nitride, undoped polysilicon, doped polysilicon, or Al<sub>2</sub>O<sub>3</sub> (see column 9, lines 20-25).

## PRIOR ART REJECTIONS

### Statutory Basis

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

### The Rejections

Claims 6, 8-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habu et al. (U.S. 6,078,073).

Habu discloses a gate electrode structure with

(6) forming a pattern comprising a pair of mesa regions (2) on a substrate (100) (see Figure 7A);

forming a first insulating layer (3) on the pair of mesa regions (2) (see Figure 7A);

forming a second insulating layer (4) on the pair of mesa regions (2) and the substrate (100) (see Figure 7A);

forming a capping layer (7) on the second insulating layer (4) (see Figure 7B);

patterning the capping layer (7) and the second insulating layer (4) (see Figure 7C);

forming insulating spacers (6') on sidewalls of the second insulating layer (4) such that the second insulating layer (4) is enclosed by the insulating spacers (6'), the capping layer (7), the first insulating layer (3), and the substrate (100) (see Figure 7D);

(8) further comprising: applying a cleaning solution to the integrated circuit device so as to expose a contact region between the pair of mesa regions by removing at least a portion of a native oxide layer from the contact region (see Figure 15F);

(10) further comprising: forming a conductive layer on the pair of mesa regions and the substrate so as to fill a contact region between the pair of mesa regions and to cover the mesa regions; removing a portion of the conductive layer such that an upper surface of the first insulating layer, opposite the substrate, is exposed (see Figure 15F);

(12) wherein the capping layer may comprise at least one of silicon oxide, silicon nitride, undoped polysilicon, doped polysilicon, or Al<sub>2</sub>O<sub>3</sub> (see column 9, lines 20-25);

(13) wherein forming the insulating spacers comprises: forming a third insulating layer on the capping layer, the sidewalls of the second insulating layer, and the substrate; etching the third insulating layer so as to remove at least a portion of the third insulating layer from the substrate and an upper surface of the capping layer, opposite the substrate (see Figure 6E).

Habu discloses the claimed invention except for specifically describing etching the capping and the second insulating layer together; wherein each of the insulating spacers has a width in a range of about 50Å to about 200Å; wherein the cleaning solution comprises at least one of hydrofluoric (HF) acid or a mixture of NH<sub>4</sub>OH, H<sub>2</sub>O<sub>2</sub>, and H<sub>2</sub>O. It would have been obvious to one of that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233 and In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

When the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." In re Aller , 220 F.2d 454, 105 USPQ 233, 235 (CCPA 1955). Applicant can rebut a prima facie case of obviousness based on overlapping ranges by showing unexpected results or the criticality of the claimed range. "The law is replete with cases in which the difference between the claimed invention and the prior art is some range or other variable within the claims 14 and 23. In such a situation, the applicant must show that the particular range is critical, generally by showing that the claimed range achieves unexpected results relative to the prior art range." In re Woodruff , 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990). See MPEP ' 716.02 - ' 716.02(g) for a discussion of criticality and unexpected results. Also, It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the specific cleaning solution that is suitable for its objective, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. It would have been obvious to one having ordinary skill in the art at the time the invention was made to conduct etching of the capping layer and the second dielectric layer together to reduce the fabricating time and increase the smoothness and uniformity of the stacked layers.

Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habu et al. (U.S. 6,078,073) in view of Jones et al. (U.S. 5,549,786).

Habu teaches the above outlined features except for wherein the second insulating layer is a spin on glass layer. However, Jones discloses an SOG plasma etch process with (7); (16) wherein the second insulating layer is a spin on glass layer (see column 6, lines 50-60). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the above teachings of Habu and Jones by forming a gate electrode or an interconnection is interchangeable. The conductive layer is patterned to form whether an interconnection or a gate electrode to meet its end use during manufacturing a semiconductor device.

Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habu et al. (U.S. 6,078,073) in view of Dennison (U.S. 5,401,681).

Habu teaches everything above except for wherein removing the portion of the conductive layer comprises: chemical mechanical polishing the conductive layer such that the upper surface of the first insulating layer, opposite the substrate, is exposed. However, Dennison discloses a semiconductor device with (11); (22) wherein removing the portion of the conductive layer comprises: chemical mechanical polishing the conductive layer such that the upper surface of the first insulating layer, opposite the substrate, is exposed (see column 6, lines 55-60). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the above teachings of Habu and Dennison by applying chemical mechanical polishing process to remove a conductive material. The conductive layer is patterned to form

whether an interconnection or a gate electrode to meet its end use during manufacturing a semiconductor device.

***Response to Arguments***

Applicant's arguments filed January 11, 2005 have been fully considered but they are not persuasive.

Applicant argues that Habu does not etching the capping and the second insulating layers together. Even though, Habu does not explicitly describe that etching the capping and the second insulating layers together. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to conduct etching of the capping layer and the second dielectric layer together to reduce the fabricating time and increase the smoothness and uniformity of the stacked layers.

Also, Applicant argues that Office Action does not appear to identify the stop etching layer. However, the insulator layer (1) is reasonable to interpret as an etch stop layer as recited (see Figure 7A).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

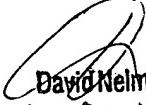
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong A. Luu whose telephone number is (571) 272-1902. The examiner can normally be reached on M-F (6:15-2:45).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAL  
May 11, 2005



David Nelms  
Supervisory Patent Examiner  
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